G R S App [illegible] IX-4]

1943-44 Pwl. File No 79 (12

Previous References (PWL) Serial Nos 31, 32

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

Part B for c Nov 43

SUBJECT

Tampering with the seals of water meters

32) To the G & E PWD
L 5124 dy 16/11/42

Directs that some device should be invented to catch hold of the consume that tampers with the meters

10/2

Letter No 23155 Dy 31-5-43 from the Chief Engineer, Gillypore, P W D requesting to furnish opinion in regard to the legal action to be taken against the Proprietor of the Gajanana ~~Boss~~ Vilas Coffee club, Old Bhavanipet, Bezwada for having tampered with the water meter in the premises of the restaurant.

1) A ~~Civil~~ reference is invited to Rule ~~xxxxx~~ 77 of the rules regulating the supply of water in Bezwada area.

2) The offence falls under clause (1) of Rule 77. A copy of the Rules is put up.

3) The Law section will also be consulted

4) Orders for orders

5/6/43 ml

5) This is an offence falling under the provisions of rule 77 (1) of the Municipal water supply Rules. If prosecution is launched it will be the first of its kind under these rules. It would also be a test case going up before a civil court for theft of water. The Chief Engineer may be informed that action may be taken as laid down in the Rules.

1) The Law section may also be consulted if necessary. ~~But~~ the rules are clear.

D/ 7-6-43 Law Dept 5/6/43

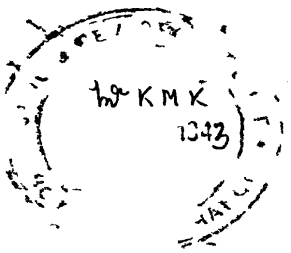
SECY LAW DEPT 7/6/43

GOVT PRESS

WD 1140—GPB—50 000—5-11-43

9038/pb1.n

Continuation Sheet | File No / Current No | of | Page



Law 289/42
8th June 1943
File resubmitted
Pull 7/6

8) In June 1943
Asst Reg Land
was / from
7 Aby
to
7/6

9) I have before me only copies of
Less No 3337 dated 10 3 43 and No 1488 dated
21 [illegible]
Neither letter states who signed the
letter on behalf of a Cotton Club Company nor the
date when water was cut off from respondent's
premises which water used The said act is an
offence under Rule 77 (1) of the Rules

11) The Estate Surveyor in his letter of
21 6 43 only states:- "Enquiry at the Water
Supply Staff who keep the box (of the meter) locked
+ alone open the box and whether they often, when
none of the consumers are present at the
water + when they say or shall to prove that
the Consumer broke the seal"

12) When this is a fact, it is difficult
to prosecute the Consumer without sufficient
evidence It can only be proved, that the
Consumer got a duplicate key of the meter Box
made — unless this is satisfactorily proved
in case will not end in Conviction Further, it
may be that meter is defective

13. In the Engineer feels all that

difficulties, I suggest in his letter of 21 6 43 an amendment of Rule 39. Whether the amendment suggested is or is not the right one, I cannot now say. To me it seems that some device may be invented by which the consumer may easily be caught. The meter Box, the key of which is with the Meter-Reader, should be covered up by another Box, & the key of that box should be with the Consumer — then, it is easy to detect the culprit. Some such device be got up, & thereafter a suitable Rule be framed

(4) I agree with the suggestion, but when he says that as meters are Stamped it is difficult to prosecute the Consumer

Law Secretary 3 4/11/43

Asst Secy 4/11/43 3 4/11/43

(5) Draft reply please attend to

Law 5/11/43

submitted with a draft letter for approval

9/11

Law Secy 10/11/43

(7) Forwarded

Under Secy 10/11/43

(8) Approved 10/11/43

(9) Issue at once 13/11/43

SECY LAW DEPT 1943 GOVT OF MYSORE

SECY LAW DEPT 4583 10 11 1943 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L S G & P H Dat 11 11 43 No 2950

TYPING SECTION 15 NOV 1943 GEN & REV SECTT

7315 V 910
L

Continuation Sheet 3rd File No / Current No 79 L of 42 Page

To the Chief Engineer
ref L 5124 · B 16 11-43
Issues orders in the matter.

32

B
2/11

WD 01809—GPB—60 000—26 1 43

1. to the Engineer for B all Chief

[Form F No 46]

GOVERNMENT OF MYSORE

Telegram
Telephone

OFFICE OF
The Chief Engineer of Mysore,
Public Works Department,
Bangalore.

No 23/55
Encls 1

Date 31-5-43

To
The Secretary to Government,
Law Department, Bangalore

Water Meter No 4117/B M

Sir

I have the honour to forward herewith copies of the undermentioned references received from the Executive - - Engineer, Water Supply Division reporting the offence - committed by the Proprietor of Gajanana Villas Coffee Club, Old Tharagupet, Bangalore city, in respect of the above - - installation and to request you to be so good as to furnish your opinion in regard to the legal action to be taken against the culprit

(1) Memo No 1067 dated 19-3-43 } From the Executive - -
(2) Letter No. 1237 dated 28-4-43 } Engineer Water Supply Division addressed to the Chief Engineer of Mysore

I have the honour to be,
Sir,
Your most obedient servant,

1/6/43

KS/29-5/31-5

Chief Engineer of Mysore

1/5

7315 V 910

Continuation Sheet

File No.

To the
ro
Issue

Letter No 3357 dated the 10th March 1943 from the Executive Engineer, Water Supply Division, Bangalore, to the Proprietor Gajanana Vilas Coffee Club, Old Tharagupet, Bangalore City

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I write to inform you that on a close examination of the working of the water meter No 4117/B M installed in the premises in which ~~xxx~~ you are running a coffee club it is seen that you are not allowing the water meter to register the consumption as it should be I quote for your information as noted in the margin the readings and the checkreadings taken which have already been recorded in your card in the premises for your information.

25-11-1942	187090		
25-12-1942	200160	2280 for 2 days	
27-12-1942	202440		
25-1-1943	211260	2920 for 3 days	
28-1-1943	214180		
25-2-43	220490	960 for 1 day	
26-2-43	221440		
9-3-43	213220	Back reading	
9-3-43 5 P M	213330	8220	
10-3-43	214140	810	

It is seen from the checkreadings that the daily average -- consumption between 25-12-1942 to 27-12-42 was 1140 gallons and between 25-1-1943 to 28-1-1943 was 973 gallons and for a third time the check reading was taken on 26-2-43 which shows a daily average consumption of 950 gallons

But the quantity that has been registered for these three months are 13070, 11100 and 9230 gallons respectively for Dec 42, January 1943 and February 1943 against a daily average of 1140, 973 and 950 gallons as per check readings

Further when the meter was examined and the check readin was taken on 9-3-43 it discloses that the meter has gone back by 8220 gallons for 11 days. Under the above circumstances it is clear that you are in the habit of tampering with the mete and thereby you have committed an offence within the meaning of the rule 77 (1) and (10) of the Bangalore City Water Supply Regulation Please therefore show cause on or before the 22nd March 1943, why you should not be dealt with under ~~the~~ above rule

Since the average daily consumption as per check readings is about 1000 gallons, the monthly consumption for the premises should be about 30,000 gallons per month.- I therefore revise the bills from August 1942 taking the consumption at 30000 gallons per month and enclosing a bill for cost amounting to Rs 162-4-0 for which payment should be made on or before the 27th March 194? failing which action will be taken to cut off the supply of water

---

Memo No 1067 dated 19-3-43

Copy of the above is submitted to the Chief Engineer of Mysore, Public Works Department, Bangalore, for kind information and orders to apply Rule 77 (1) as the party seems to be deliberately meddling with meter

Sd C N Shama Rao,
Executive Engineer,
Water Supply Division

Letter No 1237 dated 28th April 1943 from the Executive Engineer, Water Supply Division, Bangalore, to the Chief Engineer of Mysore, Bangalore

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Meter No 4117/B M of Gajanan Bhavan Coffee Club, Old

Old Tharagupet, Bangalore city.

In reply to your letter No 19388 of 15th April 1943, I have the honour to submit ~~xxxxxxx~~ as follows -

The seal was found broken and tampered when the check reading was taken The Assistant Engineer reports that the meter and couplings have been resealed again

The sanction to apply rule 17 (1) was sought because so far this rule has not been actually applied. This rule means that a case has to be launched for theft of water and prosecution arranged

At the same time, it has to be submitted that though this course of action entails a good deal of worry and details, yet in the interes of discipline and proper maintenance of metered water supply such - - courses of action have to be taken There is a very large number of cases where seals are found missing and meters damaged and so on- Hence such cases if launched and fines levied on conviction they may act as a deterrant in other instances

This coffee Club proprietor sent his Advocate to this office and as decided in his presence a bill for water charges during the period of this abnormality based on the check readings amounting to Rs 121-8-0 was sent on 19th April 1943 to the proprietor requiring him to pay the same before 3rd May 1943 The same has not yet been paid A further report will be submitted in 2nd week of May requesting orders to prosecute the person if approved

- - - - - - - - - -

" Copies "

Chief Engineer of Mysore.

31/5

MEMORANDUM

From

The Chief Engineer of Mysore,
[illegible] Department, Bangalore

To

The Secretary to Government,
Law Department, Bangalore

August 1943

Tampering the seals of Water Meters

I have the honour to invite reference to this office letter No 23155 dated 31st May 1943 and to request you to be so good as to furnish your opinio in regard to the legal action to be taken against the culprit that tampered with seal of the Water Meter No 4117/B M of Gajanana Bhavan - Coffee Club, old Tharagpet, Bangalore City

2 Similar instances of the kind have been traced by surprise readin of certain meters and stern measures will have to be taken to put a stop to such mal-practices A copy of letter No 1488 dated 21-6-1943 received from the Executive Engineer, Water Supply Division, is enclosed which is self expla tory As immediate action has to be taken in the matter, I request you kindly to furnish your opinion very early

I have the honour to be,
Sir,
Your most obedient servant,

Chief Engineer of Mysore.

[Please reply overleaf

WD 40 —GPB—150 Reams—10 9 31

Letter No 1488 dated 21st June 1943 from the Executive Engineer, Water Supply Division, Bangalore, to the Chief Engineer of Mysore, Bangalore

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Rule 39 and Clause (1) of Rule 77 of Rules for Regulation of Water Supply in Bangalore City -

In enclosing herewith, the lists of water meters whose seals are not found or broken or missing on an inspection made in portions of Bangalore City Distribution in three days, I have the honour to submit the following report -

It will be seen from the statement that out of a total number of 1494 meters read by surprise, it is found that seals are broken in 774 meters arriving at a percentage of about 52% If we were to assume that on this percentage all the meters are also found tampered with seals broken about 5,400 meters out of 10,860 are likely to be affected In all probability the water consumed in these meters may be more than as shown in these meters Thereby it results in loss of revenue to the Government or Municipality and has, therefore, to be effectively prevented or checked Stringent measures are being taken to reseal meters and appraise the consumers thereof

At present Rule 39 provides for making good the damages of the seal The re-sealing charges are rupee one only But in the application of this rule there are the following lapses -

(1) Every month all the seals broken are not possible to be found out nor claims to be preferred then alone

(2) The consumer can, therefore, with nonchalance pay that rupee one once in six months or even a year when alone the demand may be raised, but can go on consuming excess water worth at least Rs 3/- to 6/- every month which is a clear advantage to him

Also Rule 77 Clause (1) prescribed the conviction and levy of fine extending up to Rs 50/- in such cases But the process of launching cases and getting convictions is so laborious and complicated that till now no such case is launched Also it is impossible to definitely prove in a Court of Law that the consumer wilfully broke the seal Generally it is the Water Supply Staff who keep the box locked and who open the box and read meters very often, when none of the consumers will be present at the meter Hence, it is very difficult to prove that the consumer broke the seal

The following course of action is suggested to get over these defects -

> Rule 39 may be amended thus -
> "The meter shall wherever practicable be placed inside the premises of the consumer, who shall be held responsible for any damage or tampering with the meter or its seals Whenever meters are found tampered with seals cut etc , then the consumer shall be charged for the water on the basis of the check readings taken by surprise This average shall be charged for all the time during which the meter was found so tampered "

By adopting this procedure in the case of meters with seals cut the Department will ensure the recovery of charges for water actually used during the period of time when the meter seal was not intact

If

If we have to wait till the above new rule is referred to the Municipality and necessary alterations to existing Rule 39, it will ordinarily take at least one year more But it is not right nor possible for this Department to wait and go on wasting extra water in such houses without prevention Already even after rainy season has come we are finding it difficult to save in water and raise the storages Hence, it is very urgent that preventive action has to be enforced SD, if approved the following public notice may be put up and permission granted to operate on this principle pending regular passing of the new Rule -

New Rule

"The consumers of metered supplies of water in Bangalore City Distribution are hereby informed that in cases where meters are found tampered with or their seals and sealing wires etc cut or missing then the water consumed in such houses will be measured on the basis of surprise check readings and computed for the period during which the seals are found so tampered until they are resealed and given back to the consumers "

Favour of immediate orders is requested

- - - - - - - - -

" C O P Y "

Chief Engineer of Mysore

V M S/4-8-43

Appeal

SUB:

12

11

Subd.

The Connecticut has been sent to Law Section on 7-6-43 with Arro 7315

If adopted, this will also be sent in Confirmation with a request to return the file with the opinion

6/8 for Board returning the file immediately.

Asst Leg Law Mbr

App

SUB

Section Ml

File No 7942

Serial No 32

Diary No of letter replied to

No L 5724

To

General and Revenue Secretariat

( )

the *194*

The Chief Engineer & Surveyor
D W D

Sir,

Date of issue 16/4

with reference to the correspondence ending with your letter No 2678 & 5-8 43 in the matter of prosecuting ~~three persons~~ who ~~with~~ tampered with the seals of Water Meters in Bombay, I am directed to state that the act of tampering ~~with~~ with the meters is an offence under Rule 77(1) of the Rules regulating the supply of water in Bombay. In your however letter, it is stated that

Signed by W. C. Reed

List of enclosures

Copied by BMK W/11

Examined by

generally it is the Water Supply authorities of the Deptt who keep the meter box locked & who open the box & read meters very often, when none of the consumers would be present at the meter & that it is very difficult to prove that the consumer alone broke the seal. In such circumstances ~~This is a fact, this~~ it would be very difficult to prosecute the consumer without sufficient evidence. It has therefore to be proved, that the consumer got a duplicate key of the meter box made, & unless this is satisfactorily proved, the case will not sustain conviction. Further, it may be that the meter is also defective. Govt accordingly consider that some device should be invented by which the consumer may ~~easily~~ be easily caught. ~~Suitable rules may also be framed thereafter~~ This aspect of the question might kindly be suitably pursued by the Govt.

In the meanwhile ~~In these circumstances~~ I am to state that it is not possible to prosecute the consumers in question

I have the honour to be Sir, Your most obedient servant